

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-00665-JAK (AS)	Date	March 17, 2017
Title	<u>Jose Rosas v. Dean Borders</u>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner

Attorneys Present for Respondent:

N/A

N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED

On or about December 5, 2016, Petitioner Jose Roas filed a Petition for Writ of Habeas Corpus (“Petition”) in the Ninth Circuit Court of Appeals. (Docket Entry No. 1). The Petition was transferred to the United States District Court for the Central District of California on January 27, 2017. (Docket Entry No. 2). On February 1, 2017, the Court issued an Order directing Petitioner to file, by no later than later than March 3, 2017, a First Amended Petition on the Central District of California form setting forth “clearly each claim which Petitioner intends to raise in this proceeding and the factual bases for each claim.” (Docket Entry No. 7).

The Court’s February 1, 2017 Order stated the following: “Petitioner is advised that his failure to comply with the above requirements may result in a recommendation that this action be dismissed for failure to comply with the Court’s Order and/or for failure to prosecute pursuant to Fed.R.Civ.P. 41(b).” *Id.* at 2 (citing to Pagtalunan v. Golaza, 291 F.3d 639 (9th Cir. 2002)).

As of today, however, Petitioner has failed to respond to the Court’s February 1, 2017 Order.

Therefore, Petitioner is **ORDERED TO SHOW CAUSE**, within **thirty (30) days** of the date of this Order, or by no later than **April 17, 2017** why this action should not be

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dismissed for his failure to comply with Court orders and/or for his failure to prosecute pursuant to Fed.R.Civ.P. 41(b). Petitioner may discharge this Order by filing a First Amended Petition that complies with the Court's February 1, 2017 Order or a statement setting forth why he is unable to do so. A copy of the Court's February 1, 2017 Order is attached.

Petitioner may also request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). A Notice of Dismissal form is attached for Petitioner's convenience. However, Petitioner is advised that any dismissed claims may be later subject to the statute of limitations under 28 U.S.C. § 2244(d)(1), as amended by AEDPA, which provides that "[a] 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State Court."

Petitioner is expressly warned that the failure to file a timely file a response to this Order will result in a recommendation that this action be dismissed with prejudice for his failure to comply with Court orders and/or for his failure to prosecute. See Fed.R. Civ. P. 41(b).

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